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MOTORSPORT SOUTH AFRICA NPC

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MSA COURT OF ENQUIRY 1077:

TO INVESTIGATE VARIOUS ISSUES ARISING FROM AN EVENT HELD ON THE KILLARNEY MAIN CIRCUIT ON 23RD JULY 2011. HEARING HELD IN THE WPMC MAIN CLUBHOUSE, CAPE TOWN AT 18H00 ON TUESDAY, 30TH AUGUST 2011.

Present:

Steve Harding	Court President
Joy Dolinschek	Court Member
Howard Daniels	Court Member
Arlene Brown	Clerk of the Course
Brian Hoskins	Assistant Clerk of the Course
Phil Heroldt	Assistant Clerk of the Course
John Green	Assistant Clerk of the Course
Brian Jeffries	MSA Steward
Denis Agnew	Club Steward
H Hirschfield	SA Paramedic Services
Mike Rolfe	Race Control
Paul Lehmann	Chief Marshal
Les Pantony	Marshal
Paul Bowins	Marshal
William Petzer	Marshal
Cobus van Jaarsveld	Marshal
Bradley Jacobs	Marshal
Gail Joyce	Marshal
Brian Smith	WPMC Chairman
Jacques Lerm	Motorcycle Chairman
Tim Moffitt	Supercar Chairman
Theo van Rensburg	Attended on behalf of Luca Agostinelli
Deon Swart	GTi Competitor
Jarryd Evans	Supercar Competitor
Neil Hawkins	Competitor
Celeste Chatton	MSA Scribe

1. The Court President introduced the members of the court and established that there was no objection to the composition of the court. The court is grateful to the large number of parties who attended the hearing and contributed thereto by way of evidence. The court is further grateful to Miss Chatton for arranging the hearing and assisting the court with the operation of video evidence.
2. Because of the potentially wide-ranging nature of the enquiry the court sought to determine, in advance, the issues to be canvassed at the enquiry. These were determined as follows:
 - the identity of the Clerk of the Course on the day in question;
 - the management of the incident which occurred in the second heat of the Motorcycle race in which motorcycle rider Luca Agostinelli was injured;
 - the management of the incident which occurred in the second heat of the GTI race involving competitors 92 and 93 in which competitor Deon Swart was injured;



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- the management of the incident which occurred in the second heat of the Supercars race in which competitor Jarryd Evans was injured;
- the lack of documentation which accompanied the clerk of the course's report to MSA;
- the penalty imposed on competitor Neil Hawkins.

3. Identity of the Clerk of the Course

It appeared to the court that there was some confusion as to the identity of the clerk of the course on the day in question. The SR's for the event reflected Arlene Brown as the Clerk of the Course with Brian Hoskins, Phil Heroldt and John Green as assistant clerks of the course. The Clerk of the Course report reflected Brian Hoskins as the Clerk of the Course although it was signed by Arlene Brown in this capacity and both Hoskins and Brown signed the attendance register as Clerk of the Course. The court was advised by Arlene Brown that she was in fact the Clerk of the Course on the day and unequivocally accepted responsibility for the event. The discrepancies were explained as arising from the light-hearted atmosphere prevailing in the Clerk of the Courses office. The court indicated that from its perspective it was not a matter to be taken lightly and advised that it was an issue which could for a variety of reasons become pertinent after the fact.

4. The Motorcycle Incident

The court heard evidence from a number of parties in regard to the circumstances which gave rise to the incident in which competitor Luca Agostinelli was injured. The court was further assisted by video evidence of the incident in question. The evidence can be summarised as follows:

During the second heat of the motorcycle race a competitor fell in the kink between turns two and three. The competitor who fell was about to be lapped by competitor Luca Agostinelli who was in fourth position and in approximately the same location on the racetrack. This incident resulted in the damaged motorcycle lying approximately in the middle of the track. In consequence of this incident two waved yellow flags were displayed at the flag post immediately prior to the kink. Some suggestions were made that flags displayed at this point were not visible to the riders. Upon enquiry by the court the Chairman of the Motorcycle Section of the Western Province Motor Club indicated that the flag marshal position had been in the same place for many, many years and that if the visibility of the flags to motorcyclists had been an issue this was something that would have been addressed a long time ago. The court accepts that this is the case and that the flags were visible.

No flags were displayed in turn two, a circumstance which was explained by the Post Chief in turn two on the basis that as the incident had taken place in the kink there was no reason to "kill the racing" in turn two. The marshals were unable to remove the fallen motorcycle from the track because of other competitors racing. The Post Chief advised that he had suggested that the race be stopped but was advised over the radio by race control that they were watching the incident on video and had sight of what was happening.

The remainder of the field passed the fallen motorcycle on the track without difficulty, as did the three leading competitors on the following lap. Then Mr Agostinelli, who was then lying fourth, appeared to ride straight into the fallen motorcycle. Based on the lap times of the race this would have taken place approximately 1 min and 15 seconds after the initial incident. It appeared to the court from the video evidence that there had been a slight hesitation on the part of the leading three riders after seeing the yellow flag. There was no such indication in the case of Mr Agostinelli who appeared to ride into the fallen motorcycle at full speed. After this second incident had taken place the race was red flagged, it being suggested to the court that this was done in consequence of gestures made by the competitors and relayed via radio to race control.

5. The GTI incident

By means of evidence from various parties and video evidence it was established that during the second heat of the GTI race a collision took place between competitors 92 and 93 which resulted in competitor number 92 spinning backwards into the entry to the pit lane. It was fairly rapidly established that he was unable to get out of the car without assistance and paramedics responded to the incident. Waved yellow flags were displayed in accordance with paragraph 8 of appendix H to the GCRs and in accordance with the third subparagraph of such paragraph 2 stationary flags were shown at the preceding post and a single stationary flag at the post preceding that. Despite these flag signals it was clearly apparent that a substantial majority, if not all competitors, paid no heed thereto whatsoever and continued racing without any regard for the incident which had taken place. The court heard that the competitor concerned was

unconscious and required to be extricated from the car. The court was unable to establish whether this information had been communicated to race control or not. The court heard further that because the competitors continued racing the paramedics were reluctant to proceed with the extrication because of the danger both to themselves and the injured competitor.

6. The Supercars incident

In this incident, the facts of which were again established by means of evidence and video footage, two cars were involved in a collision on the main straight. One of these cars spun off onto the grass on the left-hand side of the track while the other was stuck directly against the pit wall on the right-hand side of the track, in such a manner as to prevent the driver's door from opening and to limit access to the injured driver from that side. In this instance also the driver was unable to emerge immediately from the car particularly in the light of the fact that he had suffered a wrist and arm injury in the collision. A medic endeavoured to assist from the passenger side of the car, i.e. trackside. In this incident as well there was no indication whatsoever that the remaining competitors paid any heed to the yellow flags which were in this incident displayed correctly in the manner set out in paragraph 5.

This race was eventually red flagged and the court was absolutely horrified by the apparent lack of knowledge of the relevant flag signals by a majority of competitors. While a small minority correctly endeavoured to stop at the start finish line as required in terms of SSR 41, (see also SR 32) the vast majority continued to race past the start/ finish line with no regard whatsoever to the display of the red flag and the illumination of the red lights at the start/finish line. Having observed the very dangerous situation which arose one can understand reluctance on the part of any clerk of the course to put out a red flag in circumstances where the competitors have so little regard and understanding for flag signals.

7. Before dealing with any findings in respect of the above incidents the court wishes to make some general observations. It became clearly apparent during the course of the hearing that there appear to be two distinct groups of officials at Killarney Racing Circuit, and that the relationship between them is not what it could or should be. In this regard the officials could be broadly categorised as race control and the marshals. It is recommended that steps be taken by Western Province Motor Club to close this rift with a view to all parties understanding the respective roles and responsibilities for the conduct of racing in a safe manner. Whilst the court does not want to be prescriptive in this regard some joint training exercises may be in order.
8. It was also apparent that the radio logs maintained by race control were not maintained with the degree of accuracy that can reasonably be expected. While it is not expected that radio logs should constitute a verbatim record of the items transmitted, it is clear from the radio logs of this race meeting that important matters were overlooked and not recorded in the log. For example the red flagging of a race is a significant incident which one could reasonably expect to be recorded under any circumstances. It is recommended that the Western Province Motor Club, take steps in the first instance to improve the quality of the record maintained by way of the radio log by ensuring that all significant radio transmissions are logged. Secondly, it is recommended that all radio transmissions are recorded for possible use in the event of it subsequently becoming necessary.
9. Turning to the specific incidents, the court was of the opinion that the motorcycle race should have been red flagged immediately it became apparent that the fallen motorcycle could not be moved from the centre of the track while the race was in progress. The court is of the view that there were four contributing factors to this incident, firstly the failure to observe adequately the provisions of article 8 of appendix H in regard to the required display of flags in the preceding turn two as required in terms of the third subparagraph of that article, which reads as follows: "When an obstruction occurs in a sector and the yellow flag is being waved, the preceding post will display a stationary yellow flag to warn drivers in good time of the danger. If two yellow flags are being waved, the preceding post will show two stationary yellow flags."

Secondly, the court is of the view that when a post chief requires a race to be stopped the language used on the radio should not, as in this instance, comprise a suggestion that the race should possibly be stopped, but should be a clear, imperative, unambiguous and firm request to race control to "stop the race".

Thirdly, the court is of the view that had the competitor taken cognizance of the waved yellow flags at the flag post immediately prior to the obstruction, and observed the requirements of the regulations, the collision may well have been avoided.

Finally, the race should have been red flagged immediately after the first incident.

10. With regard to the GTI race incident the court is of the view that the initial position of the cars did not require a red flag, and that this possibly may have remained the case had the behaviour of competitors indicated that cognizance was being taken of the waved yellow flags. The court is however of the view, albeit with the benefit of hindsight, that once it became apparent that the competitor was unconscious and required extrication the race should have been red flagged.
11. With regard to the Supercar race, the court is of the view that the initial position of the car, although it was directly on the racing line, did not justify a red flag in as much as the car was clearly visible. However, immediately it became apparent, that the driver would require external assistance to get himself out of the vehicle the court feels that a red flag was the appropriate course of action. The consequences however of that red flag, when displayed, albeit possibly later than it should have been, demonstrated however a complete lack of competence and understanding of the rules by a substantial number of competitors.
12. This court has become aware of initiatives taken by MSA to rectify this position by instituting some form of testing and training prior to the issue of licences. While GCR 122 makes clear that competitors by applying for a licence and by entering for a competition acknowledge their acquaintance with the rules this court is of the view that substantive measures should be put in place to in fact ensure that competitors have at least a working knowledge of those aspects of the regulations which have direct relevance to safety and race procedure. In particular competitors should have a complete understanding of the rules relating to flag signals. MSA is requested to put in place, as a matter of extreme urgency, processes to test competitors on their understanding of the applicable rules before a licence is issued or renewed and the Western Province Motor Club is requested to ensure that through its various racing sub-committees a process of education is instituted so that competitors know and understand the rules.
13. While penalties were applied to a number of competitors for failing to observe the yellow flag regulations during the course of this race meeting, the court suspects that the situation may have arisen because of a failure to deal with past instances with appropriate severity. The court is however unable to make any findings in this regard.
14. We have addressed, in paragraph 3 above, issues surrounding the identity of the Clerk of the Course. What is more troubling for the court is that during the course of the enquiry in regard to the specific instances above the officials who comprise race control were unable to identify which clerk of the course was in charge of which particular race. While the court has no difficulty whatsoever with the delegation by the clerk of the course of the responsibility for running any particular race to any of her assistants, and in fact welcomes the same, it is critical that a clear chain of command is established for each race and that after-the-fact it should be possible to clearly identify exactly who was running the race in question.
15. The court recommends that Western Province Motor Club, in conjunction with those senior officials, rethink the layout and architecture of race control at Killarney racing circuit. The best practice in this regard, is to effectively divide the working area of the senior officials into two separate areas one of which comprises race control, and includes the clerk of the course responsible for the race which is underway, any assistants that he or she may require, the radio operator, the video operator together with any additional persons the clerk of the course may consider necessary, such as for example the medical officer of the event. Access to this area during the course of races should be strictly limited. The other area can then serve as an office in which the remainder of the clerks of the course can deal with matters which arise either from races already run, or races which have yet to take place.
16. The clerk of the course is required in terms of the GCRs to submit a clerk of the course's report accompanied by various documentation. The clerk of the courses report in this instance was inadequate in as much as it failed to adequately detail the various incidents and accidents which took place and failed to properly record the penalties applied. This was explained on the basis, that there were many matters which were incomplete and had not been properly dealt with because of time constraints and competitors who had departed the circuit and that these had been held over to the following race meeting. This practice is unacceptable and the court directs that all documentation be furnished to MSA properly as required in terms of the GCRs.

If necessary copies can be retained by the clerk of the course where issues remain open to be dealt with later. These open issues should however be specifically identified in the report of the clerk of the course.

17. The court also enquired into the unusual penalty imposed by the clerk of the course on competitor Neil Hawkins prohibiting him from entering events run by the Western Province Motor Club for the remainder of the year. While the court felt that a penalty of suspension of the competitors licence for the same period would have been more appropriate the court is not inclined to intervene in the exercise of the clerk of the course's discretion and accordingly leaves the penalty unchanged.
18. The court further heard a complaint from Mr Brian Hoskins that competitors failed to file incident reports as required of them in terms of the regulations. Mr Hoskins however named a number of competitors, some of whom had in fact filed reports on the incidents in question. In the light of the inadequacies of the documentation relating to this event the court is not inclined to take any action against any competitors. The court however once again requests that Western Province Motor Club includes this issue in the competitive education which we have recommended.
19. The court is of the view that the failures and inadequacies which came to light during this court of enquiry are as a result not of any specific failure but rather in consequence of a systemic failure on the part of competitors, marshals, and race control to adequately understand and apply the provisions of the GCRs, SSRs and SRs ("the rules") over time.
20. Motorsport is an inherently dangerous activity which can only be practised safely when all parties understand and observe the rules. Both MSA and Western Province Motor Club are requested to ensure that adequate training and testing of both competitors and officials takes place to ensure that the rules are adequately understood.
21. This court has carefully considered whether, in the light of its findings, it is appropriate to take any form of sanction against any party. Having concluded, as we have, that the principal cause arises from the systemic breakdown of understanding and application of the rules we are of the view that remedial rather than punitive action is required.
22. These findings were not made directly on completion of the enquiry. Any party aggrieved by these findings is reminded of the rights of appeal conferred by Part X of the GCR's.